



PUBLIC NOTICE

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DOMESTIC SECTION 214 APPLICATION GRANTED FOR THE TRANSFER OF CONTROL OF TAMPNET INC. TO COLOMBO TOPCO LIMITED

WC Docket No. 18-255

By this Public Notice, the Wireline Competition Bureau (Bureau) grants the application filed by Brent Infrastructure I B.V. (Brent Infrastructure), Tampnet Inc., (Tampnet), and Colombo Topco Limited (Colombo) (collectively, Applicants), pursuant to section 214 of the Communications Act of 1934, as amended, and sections 63.03-04 of the Commission's rules requesting consent to transfer control of Tampnet from Brent Infrastructure to Colombo.¹

On October 15, 2018, the Wireline Competition Bureau released a Public Notice requesting comment on the Application.² On October 24, 2018, the Department of Justice (DOJ), with concurrence of the U.S. Department of Homeland Security (DHS) and the U.S. Department of Defense (collectively, the Executive Branch Agencies), filed a letter requesting that the Commission defer action on this proceeding while they completed their review of any national security, law enforcement, and public safety concerns.³ We deferred action in response to the Executive Branch Agencies' request.

On February 14, 2019, the DOJ submitted a Petition to Adopt Conditions to Authorizations and Licenses (Petition).⁴ In the Petition, DOJ advises the Commission that should it decide to grant the Application, it should condition such grant on the condition that Tampnet, Tampnet AS, and Colombo abide by the commitments and undertakings set forth in the February 13, 2019, Letter of Agreement (2019 LOA) and that it is DOJ's understanding that the DOD and DHS have no objection to DOJ's request or grant of the application.⁵

¹ See 47 U.S.C. § 214; 47 CFR §§ 63.03-04. Applicants also filed applications for the transfer of authorizations associated with international and wireless services. Any action on the domestic section 214 applications is without prejudice to Commission action on other related, pending applications. Brent Infrastructure I B.V. and Colombo Topco Limited, Joint Application to Transfer Control of Domestic Section 214 Authorizations, WC Docket No. 18-255 (filed Aug. 24, 2018) (Application).

² *Domestic Section 214 Application Filed for the Transfer of Control of Tampnet Inc. to Colombo TOPCO Limited*, WC Docket No. 18-255, Public Notice, DA 18-1052 (WCB 2018).

³ Letter from Bernel R. Paz, U.S. Department of Justice, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 18-255 (filed Oct. 24, 2018).

⁴ Petition to Adopt Conditions to Authorizations and Licenses, WC Docket No. 18-255 and File Nos. ULS 0008305302; ULS 0008308784; ULS 0008309647; ULS 0008314644; ITC-T/C-20180824-00165; SES-T/C-20180824-02273; SES-T/C-20180824-02276; SES-T/C-20180824-02277; SES-T/C-20180824-02278; ISP-PDR-20180824-00003 (filed Feb. 14, 2019) (Petition).

⁵ *Id.* at 1 and Attach. A (2019 LOA).

The Bureau finds, upon consideration of the record, that grant of this application, conditioned on compliance by Tampnet, Tampnet, and Colombo with the commitments and undertakings set forth in the 2019 LOA from Per Helge Svensson, CEO, Tampnet Inc. and Tampnet AS, and Matthew Barker, Director, Colombo Topco Limited, to Assistant Attorney General for National Security, DOJ, dated February 13, 2019⁶ will serve the public interest, convenience, and necessity.⁷ Further, consistent with Commission precedent, the Bureau accords the appropriate level of deference to the Executive Branch Agencies' expertise on national security and law enforcement issues.⁸ Therefore, pursuant to section 214 of the Act, 47 U.S.C. § 214, and sections 0.91 and 0.291 of the Commission's rules, 47 CFR §§ 0.91, 0.291, the Bureau hereby grants the Application discussed in this Public Notice subject to compliance with the condition described above. A failure to comply and/or remain in compliance with any of these commitments and undertakings shall constitute a failure to meet a condition of this authorization and thus grounds for declaring the authorization terminated without further action on the part of the Commission. Failure to meet a condition of this authorization may also result in monetary sanctions or other enforcement action by the Commission.

Pursuant to section 1.103 of the Commission's rules, 47 CFR § 1.103, the grant is effective upon release of this Public Notice. Petitions for reconsideration under section 1.106 or applications for review under section 1.115 of the Commission's rules, 47 CFR §§ 1.106, 1.115, may be filed within 30 days of the date of this Public Notice.

For further information, please contact Dennis Johnson, Wireline Competition Bureau, Competition Policy Division, (202) 418-0809.

⁶ *Id.*

⁷ 47 CFR § 63.03(b).

⁸ The Commission considers national security, law enforcement, foreign policy, and trade policy concerns when analyzing a transfer of control or assignment application in which foreign ownership is an issue. See *Amendment of the Commission's Regulatory Policies to Allow Non-U.S. Licensed Satellites Providing Domestic and International Service in the United States*, Report and Order, 12 FCC Rcd 24094, 24170-72, paras. 178-82 (1997); *Rules and Policies on Foreign Participation in the U.S. Telecommunications Market*, IB Docket No. 97-142, Market Entry and Regulation of Foreign Affiliated Entities, IB Docket No. 95-22, Report and Order and Order on Reconsideration, 12 FCC Rcd 23891, 23919-21, paras. 61-66 (1997) (*Foreign Participation Order*), Order on Reconsideration, 15 FCC Rcd 18158 (2000). In assessing the public interest, the Commission considers the record and accords the appropriate level of deference to Executive Branch expertise on national security and law enforcement issues. See *Foreign Participation Order*, 12 FCC Rcd at 23919-21, paras. 61-66.